NRCB | Natural Resources Conservation Board

Natural Resources Conservation Board

Year-in-review

fiscal 2006/07

Collaboration for balanced decisions

The Natural Resources Conservation Board's (NRCB) mission is to "serve Albertans through balanced decisions that support sustainable and responsible growth of Alberta's natural resource developments and confined feeding operations."

Achieving that balance requires collaboration with the NRCB's many partners – whether it's in support of the NRCB's mandate under the *Agricultural Operation Practices Act* (AOPA), or its mandate under the *Natural Resources Conservation Board Act* (NRCBA).

Under AOPA, NRCB approval officers and inspectors work closely with representatives from municipalities, regional health authorities, Alberta government departments and, where applicable, federal agencies.

In 2006, to help streamline and improve the review of applications under AOPA, the NRCB consulted with these partners, with environmental non-government organizations and with the confined feeding industry to create a more effective process.

Under the NRCBA, NRCB scientists and Board Reviews staff work with Alberta Environment and other agencies involved in project reviews. The Alberta Energy and Utilities Board is a frequent partner in NRCBA reviews, and the federal government is also a partner in any NRCBA review that includes issues related to fisheries or inter-provincial waterways. Detailed preparations take place months before any application under the NRCBA goes to a formal review panel.

Under AOPA, partnership goes far beyond involvement in a formal review process. Alberta's municipalities, both at the local level and through the Alberta Association of Municipal Districts and Counties, provide essential input to approval officer decisions and NRCB policy. Municipal staff frequently work closely with NRCB inspectors on compliance issues. And, agricultural fieldmen and municipal planning and development officers are an important link between the NRCB, local councils, neighbours and confined feeding operators.

At the policy level, industry associations, municipalities and environmental non-government organizations, in conjunction with Alberta Agriculture and Food, are providing input to the NRCB through the Policy Advisory Group (PAG) (see page 2 for more information). PAG ensures that a diverse perspective is brought to all policy discussions, and the result is significant. The NRCB – and its clients under AOPA – are getting the benefit of broad debate by leaders in each field.

Balanced decisions are the result of this kind of extensive, and sometimes challenging, collaboration. The NRCB is grateful for the input and insight of its many partners, and looks forward to continuing to work with all of them in the coming year.

Chairman's message

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Chairman's message

As chairman since July 2006, I am very pleased with the NRCB's evolution under its new governance model. Over the past year, the NRCB has strengthened relationships with its partners, demonstrated the willingness and enthusiasm of Board and operations staff to effectively communicate and lived up to our objective of providing quality service.

This past year also saw changes to the Board, with a new part-time member, Donna Tingley, and additions to our acting Board member list.

The NRCB is currently reviewing four proposed projects under the NRCBA. The Board also received a number of requests under AOPA to review approval officer decisions. Detailed reviews of each request demonstrated that the approval officer decisions were fair, thorough and consistent with the legislation.

The year ahead looks promising. The NRCB will continue to make strides in strengthening stakeholder relationships and conducting its business effectively and transparently. Albertans deserve confidence in the NRCB's ability to ensure responsible and sustainable growth of our province's natural resource and agricultural sectors, and I believe they are in good hands.

– Vern Hartwell

CEO's message

Since becoming Chief Executive Officer in May 2006, I have been rewarded by the opportunity to get to know NRCB staff and stakeholders, and to help lead the NRCB into a new and collaborative direction in conjunction with Chair Vern Hartwell.

I am fortunate to work with a great group of motivated, dedicated and experienced people. They have worked together over the past year to address a number of tough issues, and have built strong, collaborative relationships with our partners in Alberta Agriculture and Food, Alberta Environment and with our many stakeholders.

In addition to leading structural changes within the organization and policy changes made in consultation with stakeholders, I was fortunate to recruit Walter Cercici as the new director of Science and Technology. Walter and his staff provide scientific and technical expertise that is essential to our responsibilities under both AOPA and the NRCBA.

I would like to congratulate the confined feeding industry, municipalities and non-government environmental organizations, along with our government partners, for their willingness to come together under the new Policy Advisory Group umbrella. This collaboration is laying the groundwork for a positive and responsive regulatory framework for Alberta's confined feeding industry.

I hope you enjoy reading our annual review and learning a bit more about the many activities and accomplishments the NRCB delivered this past year.

– Peter Woloshyn

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Who we are ... and what we do

NRCB vision

Helping Alberta develop its agricultural and natural resources in the best interests of current and future generations.

NRCB mission

Serving Albertans through balanced decisions that support sustainable and responsible growth of Alberta's natural resource developments and confined feeding operations.

NRCB values

Accessibility: The NRCB's services are easy to access.

Fairness: All stakeholders and members of the public are treated fairly and without bias.

Trustworthiness: All NRCB staff strive to make objective, impartial and balanced decisions.

Service: NRCB services are delivered with a high standard of excellence.

Respect: Respect for others is reflected in all NRCB interactions.

Who's who ...

The NRCB is a small organization made up of 46 dynamic individuals. It's a dedicated bunch and you won't find many staff heading home at 4:30 p.m. on a weekday. The work the NRCB does under both acts requires flexibility and the understanding that the organization works for people who aren't on a 9 to 5 clock.

NRCB staff take pride in being part of the communities they serve. Many live in rural areas and many grew up on farms or still reside on them. Farmers, agriculturalists, engineers, hydro-geologists, biologists and ecologists – to name a few – it's a diverse group of people and one that works well together, sharing their professional expertise and their down to earth experience.

NRCB field staff willingly drive hours to meet with operators, speak with local councils or respond to a concern. In 2006-07, field staff clocked nearly 500,000 kilometres on Alberta's roads. The benefits of one on one contact with operators and other clients, and on-site visits, can't be out-weighed by any other kind of communication.

Board members take the same hands-on approach to understanding the unique issues of each application under the NRCBA. Panel members visit sites and hold review hearings in the closest community, to ensure that local residents can participate.

There is a good chance that if you call or drop in to a local office of the NRCB, you will talk first with one of the NRCB's administrative team: Linda Brazel (Fairview), Carolyn Taylor (Morinville), Judy Ireland (Red Deer) and Sylvia Kaminski (Lethbridge). They are helpful and knowledgeable and will ensure you get the information you need.

Top row (left to right): Andy Cumming, Peter Woloshyn, Bill Kennedy, Andy Wierenga, Orin Kenzie
2nd row from top (left to right): Richard Stein, Jim McKinley, Walter Ceroici, Jim Turner, Kevin Seward, Sylvia Kaminski, Nancy Stitsen, Karen Stewart, Doug Beddome, Tim Jespersen
3rd row from the top (left to right): Jean Olynyk, Karl Ivarson, Judy Ireland, Carolyn Taylor, Gordon Atkins, Donna Tingley, Vern Hartwell, Jim Fujikawa, Linda Brazel, Andrea Hiba Brack, Vince Murray
4th row from the top (left to right): Alasdair MacKinnon, Garbine Lazar, Laura Friend, Sandi Roberts, Bev Brezina, Jacinta Rodrigues, Randy Bjorklund, Carol Kallio
Front row (left to right): Justyna Kielpin, Laura Roberts, Barb Hazelton, Dana Hammett, Kurt Stilwell, Ben Hsu, Scott Cunningham
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Collaboration in action - Policy Advisory Group

The establishment of a policy advisory group was a key commitment made to NRCB stakeholders in 2006. The NRCB has had the privilege of working through this forum with leaders from Alberta's confined feeding industry, municipalities and environmental non-government organizations.

PAG is co-chaired by Peter Woloshyn, CEO, NRCB and John Donner, Assistant Deputy Minister, Alberta Agriculture and Food.

PAG members are committed to problem-solving and building a strong and responsive regulatory system.

"This has been an opportunity to overcome differences and build strong networks built on mutual respect," says Peter Woloshyn, PAG co-chair. "Over the past year, the members of PAG have established rapport and created a vehicle for honest discussion and debate. I would like to thank every one of the members for their contribution to the process and to helping the NRCB build a strong policy base, and I look forward to our continued collaboration next year."

Rients Palsma, Chair, Intensive Livestock Working Group, echoes Woloshyn's comments. "Through PAG, we are all working together towards a common goal – to ensure that Alberta's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner. I feel that the livestock industry is being heard at the PAG table and we're addressing issues of concern. This is certainly a step in the right direction."

Cindy Chiasson, Executive Director, Environmental Law Centre (ELC) adds, "This is a new process and approach for the NRCB. The Environmental Law Centre appreciates the commitment that the Board, staff and all PAG members have made to working together. The steps in building relationships and understanding between the many interests have been as important as the substantive issues we have been discussing."

Don Johnson, President, Alberta Association of Municipal Districts and Counties (AAMD&C) agrees with both Palsma and Chiasson. "There is a tremendous willingness around the table to work together for the benefit of all concerned." He adds that "real efforts have been made by PAG to understand the issues of municipalities, and progress is being made."

To date, the group has met November 13 and December 15, 2006, and February 6, April 12 and June 18, 2007. Discussions have focused on policy related to applications issues, risk assessment, and communications. Meetings will continue on a regular basis each year.

2008-03607/

... and what's what

The Natural Resources Conservation Board is a quasi-judicial regulatory agency of the Government of Alberta. It is accountable to the Minister of Sustainable Resource Development.

The NRCB has two distinct mandates:

- Board members conduct reviews of applications under the *Natural Resources Conservation Board Act* and consider appeals under the *Agricultural Operation Practices Act*
- the operational side of the NRCB provides regulatory functions under AOPA, reviewing applications and ensuring compliance with the act, and leads the technical review of applications under the NRCBA

The *Natural Resources Conservation Board Act* is the responsibility of Alberta Sustainable Resource Development, and the *Agricultural Operation Practices Act* is the responsibility of Alberta Agriculture and Food.

The NRCB issues three kinds of permits under AOPA:

- registrations (permits for smaller operations)
- approvals (permits for larger operations)
- authorizations (permits for manure storage facilities)

Operators are responsible for obtaining other required permits. Water licenses may be applied for through the NRCB as part of a joint application, or may be applied for directly from Alberta Environment. If other permits are required, operators cannot proceed with construction solely on the basis of an NRCB-issued permit.

Getting to know you ...

This past year, Chair Vern Hartwell, CEO Peter Woloshyn, Board members and other NRCB staff participated in more than 75 meetings with various stakeholders and partners. They also visited confined feeding operations in several regions of the province. Plans are underway for more site visits in 2007-08.

Kurt Stilwell, NRCB legal counsel, really got "into" the visit at Shady Lane Colony, Wanham, Alberta.

NRCB staff and Board members view new technology for liquid manure injection with **Rick Atkins** of Alberta Agriculture's AgTech Facility in Lethbridge.

Policy Advisory Group – policy discussions to date

Terms of reference for PAG

Identification of policy issues

Identification of policy priorities

Approvals policy

- Applicant commitments that exceed AOPA requirements
- Application timelines
  - Part 1 application to Part 2 application
  - Referral response time – municipalities
  - Referral response time – referral agencies
  - Additional information timelines
  - Response to statements of concern
- Approvals policy purpose statement
- Consistency
- Discretion
- Effects on the economy, community and environment
- Grandfathering
- Notification – minor amendments
- Permit conditions
- Risk to the environment from existing facilities
- Variances

Courtesy letters

Mediation

Risk management framework

Risk management tool

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Johnny and **David Tschetter** of Shady Lane Colony, Wanham, Alberta, show NRCB staff technical details in the colony's new 8,000 feeder hog barn.

Peter Woloshyn, CEO, **Gordon Atkins**, Board member and other staff view a recently poured concrete floor for a new manure storage pit at **Albert Slomp's** dairy near Barrhead, Alberta.

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Policy Advisory Group

Standing, back row, left to right:
Jurgen Preugschas (Pork), Wayne Inkpen (AAF), Don Johnson (AAMD&C), Rients Palsma (Dairy), Mark Oberg (AAMD&C), Mike Hart (Poultry), Rich Smith (Beef), Jim Turner (NRCB), Keith Leggat (AENV), Hennie Bos (Dairy)

Sitting, front row, left to right:
Ed Schultz (Pork), Doris Ludlage (Poultry), Ann Baran (NGO), Cindy Chiasson (NGO), Peter Woloshyn (NRCB), John Donner (AAF), Carol Bettac (AAF), Carrie Selin (Dairy), Sylvia Donkersgoed (Poultry)

Missing from photo:
Ed Gibbons (AUMA), Govert de Gier (Dairy), Paul Hodgman (Pork), David Hyink (Poultry), John Knapp (AENV), Stuart Thiessen (Beef), Ross Warner (NGO), Jeff Warrack (Beef), Dean Watt (NGO), Aaron Falkenberg (2006/07 Co-Chair)

Board reviews

Since 1991, the NRCB has completed reviews of 13 major natural resource projects, including mining, tourism and recreation, water management and forestry, as well as other projects referred to the Board by the provincial cabinet.

NRCB decisions issued under the NRCBA are found at **www.nrcb.gov.ab.ca/decisionsmain**

The Board must determine if a proposed natural resource project is in the public interest by considering its potential social, economic and environmental effects.

Approvals under the NRCBA must be authorized by the Alberta cabinet, and are in addition to licenses, permits or approvals required by other acts, regulations or by-laws.

Board decisions under the NRCBA can only be appealed to the Alberta Court of Appeal on questions of law or jurisdiction.

Acting Board members

Carolyn Dahl Rees, M.A., LL.B.
Lorne Goff
Archie Grover
William Hull, B. Comm.
Ada Rawlins
Art Bonertz
William Kennedy, B.A., LL.B.
Graham Lock

NRCB Board members

Vern Hartwell, Board Chair

entrepreneur, former mayor

Vern Hartwell was appointed Chair, NRCB effective July 2006. Vern was born in Vermilion and grew up in Edmonton. Prior to joining the NRCB, Vern served Strathcona County for 12 years, nine years as mayor and three years as councillor. Vern has a wealth of experience in community, business and economic development. He has served as a board member of the Capital Health Authority, and as the chairman of various organizations in the Edmonton region.

Gordon Atkins

veterinarian, livestock breeder

Gordon Atkins was reappointed to the Board in May 2006. Gordon is a native Albertan from a dairy farm near Calgary. He has practiced large-animal veterinary medicine for over 30 years and is actively involved in breeding Holstein and Angus cattle. Gordon is an official judge with Holstein Canada, and participates as a speaker and judge at national and international conferences and dairy shows.

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"The restructuring of the NRCB over a year ago has given the Board the opportunity to implement a new governance model that has contributed to the success of the organization as a whole.

"Board members focus on reviews and hearings and contribute to overall NRCB policy and direction.

"The Board remains committed to working effectively with staff and continuing to strengthen stakeholder relationships."

– Vern Hartwell, Chair

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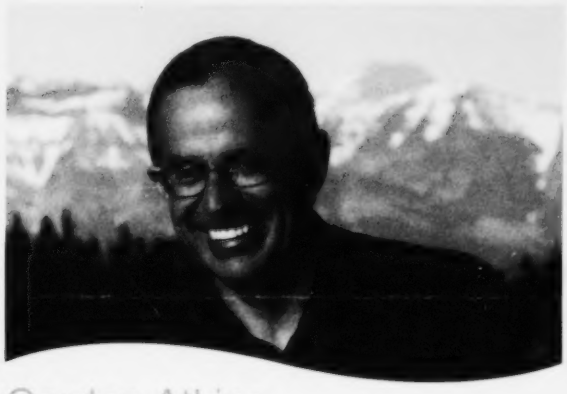

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Donna Tingley

lawyer, environmental law and policy

Before her appointment to the NRCB in November 2006, Donna was executive director of the Clean Air Strategic Alliance. Donna also served as executive director of the Environmental Law Centre for twelve years. Donna's experience includes membership on numerous advisory committees and boards. Throughout her career, she has written extensively on issues related to environmental law and policy.

Jim Turner

rancher

Jim Turner was reappointed to the Board in May 2006. Jim was raised on a mixed farm and cattle ranch. He co-owns and operates the family ranch near Cochrane, Alberta. Jim is past chairman of the Alberta Cattle Commission, has served as a representative with the Canadian Cattlemen's Association, and is a former member of the Bow Basin Water Quality Council, Action for Agriculture, and the Shell Caroline Livestock Monitoring Committee.

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Board activities

The Board of the NRCB has separate and distinct mandates under the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*. Under the NRCBA, Board panels conduct reviews of major non-energy resource projects. Under AOPA, Board panels consider requests to review approval officer or inspector decisions, and convene an appeal hearing based on the merits of the request.

Questions the Board considers before agreeing to conduct an appeal hearing under AOPA are: did the approval officer adequately consider issues raised in statements of concern? Did the approval officer or inspector issue a decision that may be inconsistent with the act? If the Board determines that either question requires further attention, an appeal hearing may be convened.

Mediation, meetings and written reviews can, and have, been used by the Board to settle issues under AOPA without proceeding to an appeal hearing. If all parties agree to mediation, issues can be resolved with considerably less cost and time for all parties. However, if mediation fails to arrive at an agreed-upon solution, the Board will convene the appeal hearing.

The Board and the *Agricultural Operation Practices Act*

Since 2002, when the NRCB became responsible under AOPA for regulating confined feeding operations, the number of Board reviews of approval officer and inspector decisions has told the story of an organization and a piece of legislation that were works in progress. In the first year of the organization's history, the Board received requests to review 31 decisions, and conducted

Board Chair Vern Hartwell believes that the reasons behind the decline are two-fold: "The legislation has been improved through consultation, and our operational divisions have gained experience and understanding of the legislation as a result of the changes of the past year."

Hartwell points out that, over time, the legislation has

General Counsel

Bill Kennedy, the NRCB's General Counsel, provides legal advice to the Board in support of a fair and transparent regulatory process. Bill leads the review process under the *Natural Resources Conservation Board Act* and works closely with Board reviews staff.

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Susan Schlemko, Manager, Board Reviews, is the first point of contact for appeals under AOPA or project applications under the NRCBA. Board Reviews staff ensure that all affected parties are notified and have access to the support they need to participate effectively in a Board process.

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In 2006/07, the Board received requests to review 12 approval officer decisions, and determined that, based on the merits of the requests, reviews were not warranted. The full reasons for the Board's decisions are available on the NRCB website (**www.nrcb.gov.ab.ca**).

Board Chair Vern Hartwell believes that the reasons behind the decline are two-fold: "The legislation has been improved through consultation, and our operational divisions have gained experience and understanding of the legislation as a result of the changes of the past year."

Hartwell points out that, over time, the legislation has been refined and clarified by Alberta Agriculture and Food, most recently in 2006 through its consultation process with stakeholders, and in 2006 the NRCB carefully reviewed and improved its own applications process and started a thorough review of its policy base. Working with the Policy Advisory Group is a continuation of that process.

The Board and the *Natural Resources Conservation Board Act*

In fiscal 2006/07, the Board received three natural resource applications for review under the NRCBA. Details are listed below. Dynea's application was received shortly after the fiscal year-end on April 2, 2007.

Natural resource projects under review:

Alberta Environment and Alberta Infrastructure and Transportation - Highwood Diversion Plan
- revised diversion plan received December 14, 2006
- proposes revisions to its diversion plan for the Highwood River

Birch Mountain Resources Ltd. - Hammerstone Quarry Project
- file received May 24, 2006
- proposes an expanded limestone quarry and associated facilities north of Fort McMurray

Dynea Canada Ltd. - Formaldehyde Production Plant
- file received April 2, 2007
- proposes a formaldehyde production plant in Sexsmith

Glacier Power Ltd. - Dunvegan Hydroelectric Project
- file received October 27, 2006
- proposes a 100 megawatt run-of-river hydroelectric project on the Peace River near Dunvegan

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For more information about Board proceedings under either act, contact Board Reviews in the Edmonton office of the NRCB (see back cover for contact information).

Operations

Executive

"2006-07 was a year of extensive collaboration, extending from the Policy Advisory Group (PAG) to increased coordination with Alberta Agriculture and Food. The NRCB also revised its application guides, forms and procedures to reflect regulatory changes made to AOPA in September 2006.

"Bench marking exercises – sessions that bring together all approval officers, inspectors, legal counsel and science and technology division staff – were introduced in 2006/07 to draw on the broad expertise and experience of NRCB staff.

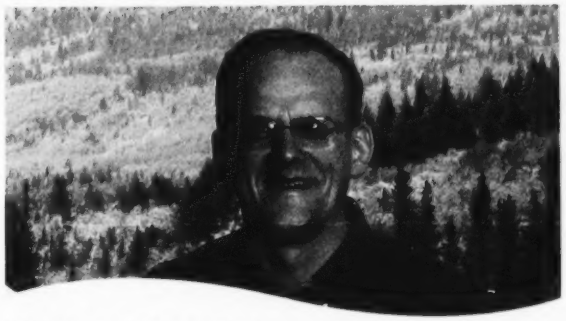
"In addition, we reviewed and revised the NRCB approval policy, drafted a mediation policy and developed a prototype ground-water monitoring program. We also made significant progress on the design of a risk assessment tool, in consultation with PAG."

– Peter Woloshyn, Chief Executive Officer

Peter Woloshyn

Chief Executive Officer

Peter Woloshyn grew up on a farm near Devon, Alberta. Peter has a passion for the environment and a respect for the rigors and challenges of agriculture. He graduated from the University of Alberta in 1990 with his Master of Science and Bachelor of Science degrees in agricultural economics, and worked for more than 22 years with Alberta Agriculture and Food before being recruited to implement the reorganization of the NRCB. Peter's enthusiasm and vision have built a solid organization based on team work and commitment to partnerships.



Walter Ceroici

Director, Science and Technology

Walter Ceroici worked for many years with Alberta Environment on environmental site assessments, policy and protocols for contaminated sites and hazardous waste management. He also managed Alberta Environment's Groundwater Protection Branch. Walter's experience includes managing multi-disciplinary science teams, dealing with difficult environmental issues and extensive experience in hydrogeology.

Andy Cumming

Director, Applications

Andy Cumming grew up on a farm in southern Africa and has a degree in Agricultural Engineering. Andy has worked on a wide range of agricultural projects including intensive livestock production. Prior to joining the NRCB in 2001, Andy worked with Alberta Agriculture and Food as Unit Leader, Intensive Livestock Engineers. Andy has built his own aircraft and loves to fly whenever he gets a chance.

Sci-Tech in 2006/07

Science and Technology has four staff who provide scientific and technical services under both the NRCBA and AOPA.

Under the NRCBA, Sci-Tech staff prepare detailed assessments of applications and

Jim McKinley

Director, Compliance and Enforcement

Jean Olynyk

Director, Communications

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– Peter Woloshyn, Chief Executive Officer

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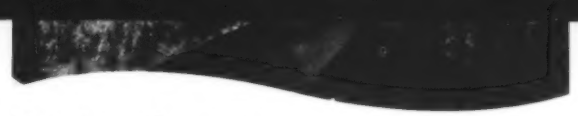
Under the NRCBA, Sci-Tech staff prepare detailed assessments of applications and develop supplemental information requests, in coordination with other review agencies.

Under AOPA, Sci-Tech staff provide geological, hydrogeological and other scientific expertise to support approval officer reviews of proposed CFO construction or expansion plans, and to help inspectors investigate and resolve cases of non-compliance.

NRCB field office service areas:

Fairview office:	Peace region
Morinville office:	North Central region
Red Deer office:	Central region
Lethbridge office:	Southern region



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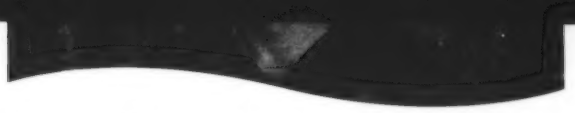
Director, Science and Technology

Walter Ceroici worked for many years with Alberta Environment on environmental site assessments, policy and protocols for contaminated sites and hazardous waste management. He also managed Alberta Environment's Groundwater Protection Branch. Walter's experience includes managing multi-disciplinary science teams, dealing with difficult environmental issues and extensive experience in hydrogeology.



Andy Cumming

Director, Applications

Andy Cumming grew up on a farm in southern Africa and has a degree in Agricultural Engineering. Andy has worked on a wide range of agricultural projects including intensive livestock production. Prior to joining the NRCB in 2001, Andy worked with Alberta Agriculture and Food as Unit Leader, Intensive Livestock Engineers. Andy has built his own aircraft and loves to fly whenever he gets a chance.

Jim McKinley

Director, Compliance and Enforcement

Jim is a native Albertan. He has extensive experience with environmental issues, having spent close to 30 years with Alberta Environment. Prior to joining the NRCB in 2002, Jim worked as an investigator with Alberta Environment's Emergency Response Team. Jim is an avid photographer and enjoys working with computer graphics.

Jean Olynyk

Director, Communications

Originally from the Yukon, Jean Olynyk grew up in Alberta. At an early age she worked on sheep stations in Australia and New Zealand, crewed sailboats across the South Pacific and volunteered on bone digs in southern Alberta. She worked for 15 years in communications with the Government of Alberta before joining the NRCB. Jean has a passion for gardening and the outdoors.

Jacinta Rodrigues

Director, Finance and Human Resources

Jacinta is a certified management accountant and provides support to the NRCB in the Finance, Human Resources and Information Technology areas. Prior to joining the NRCB in 1996, Jacinta worked in the private sector in a similar role. Jacinta enjoys traveling and researching her family's genealogy.

Kurt Stilwell

Counsel

Kurt Stilwell was called to the Alberta Bar in 1984 after graduating from the University of British Columbia Law School. He concentrated his practice on civil litigation involving oil and gas, insurance defence and employment law matters until June, 2002 when he joined the NRCB as Counsel.

"To ensure that the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner."

– AOPA purpose statement

Applications

Approval officers review applications for new or expanding confined feeding operations. Their decisions are based on the information provided by the livestock operator, AOPA requirements and responses from the municipality, Alberta Environment, the regional health authority and any other relevant agency or directly affected party. Under the act, approval officer decisions are bound by the land use provisions in municipal development plans. Approval officers also consider issues raised in statements of concern received from directly affected parties.

Applications division

Back row (left to right): Orin Kenzie, Vince Murray, Randy Bjorklund, Andy Cumming
Front row (left to right): Scott Cunningham, Andrea Hiba Brack, Sandi Roberts, Bev Brezina, Karen Stewart

Approvals in 2006/07

In 2006/07, the NRCB applications division issued 108 permits. The division also consulted with stakeholders to ensure the applications process is effective for all parties, revised its application forms and guides, and developed a new draft approval policy.

Andy Cumming, Director, Applications, says that both operators and approval officers benefited from the October 2006 clarification of the regulations. Approval officers were involved in re-designing the applications process and draft approval policy.

The draft approval policy was shared with PAG to invite discussion and build a shared understanding of the act, the regulations and the regulatory process. PAG provided positive input and suggestions for further policy development (see page 3 for PAG policy discussions to date). These discussions will help improve consistency in how applications are dealt with in the future.

The AOPA purpose statement adopted in early 2006 provided clear direction for the approval process, and the draft approval policy is intended to ensure that decisions are arrived at consistently and fairly.

"Approval officers have authority under the act to review applications and issue decisions, but every officer also has the benefit of a large pool of experts both within the NRCB and outside of it," says Cumming. "Our objective is to achieve consistency between similar applications for similar sites – keeping in mind that each situation is unique and cannot be treated in an identical way."

Compliance and enforcement

NRCB inspectors help ensure compliance with AOPA, its regulations and permit conditions.

Inspectors conduct post-construction inspections and also respond to concerns about manure handling from the public and other agencies. They work closely with Alberta Environment, regional health authorities, municipalities and other regulatory bodies.

At all times, the NRCB ensures that an on-call inspector is available to respond to an emergency through the toll free NRCB complaint line at 1-866-383-6722.

Compliance division

Back row (left to right): Jim McKinley, Andy Wierenga, Tim Jespersen
[illegible], Doug Beddome, Kevin Seward

Compliance in 2006/07

In 2006/07, Alberta's eight compliance inspectors responded to complaints about 240 operations and conducted 78 post-construction inspections of recently completed facilities.

The NRCB's enforcement policy starts with education and voluntary compliance, moving to enforcement orders only when necessary. In nearly every case, complaint issues were resolved to NRCB satisfaction in a timely fashion.

Jim McKinley, Director, Compliance and Enforcement, says that, on the whole, Alberta's confined feeding operators are doing a good job of manure management.

"Operators want to be good neighbours. They are concerned and willing to rectify problems we find as quickly as possible."

McKinley adds that communication builds good relations and results in fewer complaints. From time to time, modifications that need to be made take longer to put in place than nearby residents would like. "That's where communication – and patience – comes into play," says McKinley. "I wish we could solve every problem quickly,

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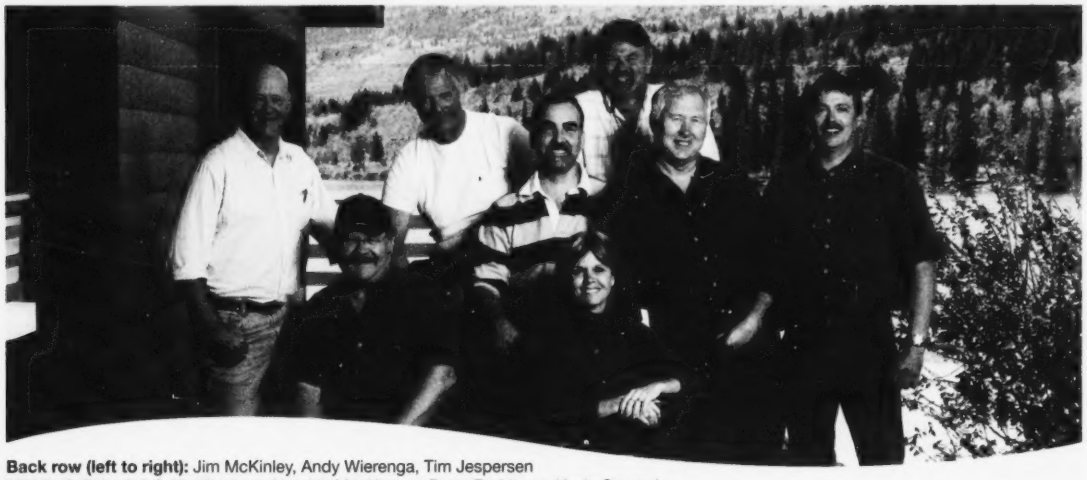
Compliance division



Back row (left to right): Jim McKinley, Andy Wierenga, Tim Jespersen
Middle (left to right): Karl Ivarson, Alasdair MacKinnon, Doug Beddome, Kevin Seward
Front: Barb Hazelton **Missing from photo:** Kai Ma

Science and Technology

Sci-Tech staff prepare detailed assessments of NRCBA applications and develop supplemental information requests, in coordination with other review agencies.

Under AOPA, Sci-Tech staff provide geological, hydrogeological and other scientific expertise to support approval officer reviews of proposed CFO construction or expansion plans, and to help inspectors investigate and resolve cases of non-compliance.

Science and technology division

Back row (left to right): Walter Ceroici, Richard Stein
Front row (left to right): Jim Fujikawa, Laura Roberts

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NRCB has enforcement tools to deal with serious non-compliance

When necessary, NRCB compliance can swing a hammer. Charges laid in 2005 against Habraken Farms Ltd. for releasing manure into Grantham Lakes in 2004, came to fruition in early 2007. The operator was fined $50,000 under the *Environmental Protection and Enhancement Act*. One-half of the fine went to a Lethbridge College research project on aquatic health.

NRCB helps operators who are in compliance

The NRCB can also assist operators who are in compliance. In 2007, NRCB Inspector Kevin Seward appeared as an expert witness to support an operator who was being sued for crop damage from manure run-off. Seward's inspections revealed that run-off was not occurring. The operator won the legal battle.

Did you know?

- NRCB field staff logged nearly 500,000 kilometres in 2006-07 conducting site visits and meeting with stakeholders
- Approval officers issued 104 decisions on applications under AOPA
- Inspectors conducted post-construction inspections on 363 facilities

If you're an operator:

- You can contact a CFO extension specialist from Alberta Agriculture and Food to help you with your application to the NRCB. To contact a CFO extension specialist, contact your local NRCB office or the Ag-Info line: **310-FARM**
- You can choose whether or not to link your AOPA application with your application for a water license. However, it remains your responsibility to obtain a water license
- Ancillary structures such as feed mills and offices used solely for the operation of a CFO do not require a municipal development permit
- If your CFO does not have an existing permit, then it is the capacity of the facilities (fenced or enclosed land or buildings) at the CFO as of January 1, 2002, that determines the number of animals that can be confined at the operation
- If you plan to change the type of livestock within a category without increasing your total annual manure production, you must notify the NRCB but do not require an NRCB permit. Examples of change within a livestock category include swine farrow-to-finish to swine feeders; or chicken broilers to turkeys
- If you want to change categories (e.g., dairy to swine), you must obtain an amendment to your permit from the NRCB before making the change
- If you have completed an Environmental Farm Plan, you may be eligible for financial and technical assistance under the Canada-Alberta Farm Stewardship Program. For further information visit www.albertaefp.com or call 1-800-667-8567

If you're a municipality:

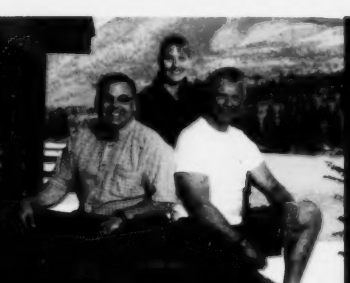
- The NRCB always notifies municipalities about new applications for confined feeding operations
- Municipalities continue to have jurisdiction with respect to other structures not specifically approved by the NRCB
- The NRCB investigates and responds to complaints about confined feeding operations or manure storage and handling. If you receive complaints from your ratepayers about any of these issues, please forward them to the NRCB
- The NRCB values municipal input when it responds to complaints. NRCB inspectors may contact the municipality to clarify the intent of the original municipal development permit, and to obtain any background concerning municipal conditions
- The NRCB sends municipalities courtesy copies of enforcement orders issued to CFOs in their district
- Requests for NRCB staff to provide information to municipal councils or employees are always welcome. Contact your closest NRCB office if you would like to arrange for a meeting or presentation

Contacts

Fairview Regional Office

Lethbridge Regional Office

Morinville Regional Office



Red Deer Regional Office

Stewardship Program. For further information visit www.albertaefp.com or call 1-800-667-8567

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Contacts

Fairview Regional Office

Fairview Regional Office
(left to right): Vince Murray, Linda Brazel, Doug Beddome

Lethbridge Regional Office

Lethbridge Regional Office
Back row (left to right): Orin Kenzie, Kevin Seward, Sylvia Kaminski, Karl Ivarson
Front row (left to right): Andy Cumming, Bev Brezina, Karen Stewart, Jim Fujikawa

Morinville Regional Office

Morinville Regional Office
(left to right): Randy Bjorklund, Carolyn Taylor, Andy Wierenga
Missing from photo: Kai Ma

Red Deer Regional Office

Red Deer Regional Office
Back row (left to right): Sandi Roberts, Alasdair MacKinnon, Andrea Hiba Brack, Scott Cunningham, Tim Jespersen, Jim McKinley
Front row (left to right): Judy Ireland, Barb Hazelton

NRCB | Natural Resources Conservation Board

Email: info@nrcb.gov.ab.ca
Response line: 1-866-383-6722
Web address: www.nrcb.gov.ab.ca

Copies of the *Agricultural Operation Practices Act* and the *Natural Resources Conservation Board Act* can be obtained from the Queen's Printer at **www.qp.gov.ab.ca** or through the NRCB website.

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